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Robert C. Faber Ostrolenk, Faber, Gerb & Soffen, LLP 1180 Avenue of the Americas New York, NY 10036-8403			BOSWELL, CHRISTOPHER J	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/723,911	Applicant(s) LAX ET AL.
	Examiner CHRISTOPHER BOSWELL	Art Unit 3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 November 1988.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-130 is/are pending in the application.
- 4a) Of the above claim(s) 97-106 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-96 and 107-130 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 April 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-26, 29-87, 90-96 and 107-130 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 5,760,689 to Holmgren.

Holmgren discloses a lockable container (figure 1) for securing an asset therein, comprising a first cover (11), a second cover (10) coupled to the first cover, wherein the first and second covers are configured to move between an open position which allows access to the asset, and a closed position which encloses the asset, a locking mate arrangement (portion of element 10 that contains apertures 33) operatively coupled to at least one of the first and second covers, and a locking member (13 and 15), wherein the locking member is configured to move between an unlocked position (figures 8-9) in which the first and second covers can move to the open position and a locked position (figures 10-11) which locks the first and second covers in the closed position, and wherein the entirety of the locking member is internal to the container in the unlocked position such that the locking member is operable to restrict tampering from an exterior of the lockable container (the locking member is internal to the lid of lockable container, where the housing formed by elements 11 and 14 defend against tampering of the locking member from

the exterior of the locking container) and the locking member is permanently connected to the lockable container (figures 8-11), as in claim 1.

Holmgren also discloses the locking member engages the locking mate arrangement when the locking member is in the locked position (figures 10-11), as in claim 2, and wherein the locking member is configured to be acted upon by an external key arrangement (column 5, lines 27-41) to selectively position the locking member into one of the locked position and the unlocked position with respect to the locking mate arrangement, as in claim 3, wherein the first cover is pivotally coupled (12) to the second cover, as in claim 4, as well as the locking mate arrangement being formed as part of the first and second covers (figures 8-11), and wherein the locking member is detachably coupled to the second cover (figures 10-11), as in claim 5, wherein the locking mate arrangement has at least one tab (33) formed in the first cover and at least one corresponding tab (16) formed in the second cover, as in claim 6, and the at least one tab formed in the first cover and the at least one corresponding tab formed in the second cover are in an adjacent relationship when the first and second covers are in the closed position (figures 10-11), as in claim 7, wherein at least a portion of the locking member has an I-beam construction (figure 7) with a recess formed therein, as in claim 8, and the at least one tab formed in the first cover and the at least one corresponding tab formed in the second cover are located in the recess and prevented from separating when the locking member is in the locked position (figures 10-11), as in claim 9.

Holmgren further discloses the first cover has at least one pair of top closing walls (figure 2) and the second cover has at least one pair of bottom closing walls (figure 2), and wherein the top and bottom pairs of closing walls are disposed so that each of the respective top and bottom

closing walls sits behind the other of the respective top and bottom closing walls when the first cover is closed upon the second cover (figures 8 and 10), thereby forming a double wall so that each of the respective top and bottom closing walls substantially overlaps a major portion of the height of the other of the respective top and bottom closing walls, as in claim 10, wherein each of the at least one pair of top closing walls and each of the at least one pair of bottom closing walls extends the entire width of the respective first and second covers (figure 2), as in claim 11, and where each of the at least one pair of top closing walls and each of the at least one pair of bottom closing walls extends substantially the entire width of the respective first and second covers (figure 2), as in claim 12, as well as the first cover has at least one pair of top closing walls (figure 2), wherein the second cover has top and bottom edges (figures 1-3) that meet a backside of the second cover, and wherein the at least one pair of top closing walls meets the second cover at the top and bottom edges to form respective seam portions (figure 8 and 10), as in claim 13, and where the first cover has at least one pair of top closing walls (figure 2), wherein the second cover has top and bottom edges (figures 1-3) that substantially meet a backside of the second cover, and wherein the at least one pair of top closing walls meets the second cover at the top and bottom edges to form respective seam portions (figure 8 and 10), as in claim 14.

Holmgren additionally discloses the locking member engages the locking mate arrangement when the locking member is in the locked position, wherein the locking member is configured to be acted upon by an external key arrangement (column 5, lines 27-41) to selectively position the locking member into one of the locked position and the unlocked position with respect to the locking mate arrangement (column 5, lines 27-41), and wherein the locking mate arrangement is formed as part of the first cover and the locking member is detachably

coupled to the second cover (figures 8 and 9), as in claim 15, wherein the locking member has at least one tab (33), and wherein the locking mate arrangement has at least one corresponding loop (16), as in claim 16, and the at least one tab is configured to engage the at least one corresponding loop when the locking member is in the locked position , as in claim 17, wherein the locking member forms a single molded structure (figure 7), and where the locking member is constructed from a material selected from the group consisting of thermoplastic resin polypropylene, ABS, or polycarbonate (column 2, lines 34-36), as in claim 18.

Holmgren also discloses the locking member having at least one engagement structure (portion of element 10 that contains apertures 33) and the locking mate arrangement having at least one corresponding engagement structure (portion of element 10 that contains apertures 33), and wherein the engagement structure of the locking member is configured to engage the corresponding engagement structure of the locking mate arrangement (figures 16a-16e), as in claim 19, wherein the locking member has a stopping arrangement (41) which selectively blocks the locking member from moving into the locked and unlocked positions, as in claim 20, wherein the at least one engagement structure of the locking member has at least one first magnetically attractable portion (36) configured to magnetically interact with a corresponding first magnet arrangement (column 5, lines 27-41) of the external key arrangement, as in claim 21, as well as the stopping arrangement having at least one resilient locked position flange (36) biased into a locked state, wherein the container has a corresponding locked position tab (39), and wherein the locked position flange is configured to selectively engage the corresponding locked position tab to prevent the locking member from sliding into the unlocked position once in the locked position (figure 19), as in claim 22, and where the resilient locked position flange has at least one

second magnetically attractive portion (37) configured to magnetically interact with a corresponding second magnet arrangement (column 5, lines 27-41) of the external key arrangement, the magnetic interaction between the second magnetically attractive portion and the second magnet arrangement of the external key arrangement causing the resilient locked position flange to bend toward the external key arrangement (column 5, lines 27-41), as in claim 23.

Holmgren further discloses the first magnetically attractive portion is selected from a group consisting of a steel pin, a metallic pin, a metallic insert, a magnetic insert, and any combination thereof (column 5, lines 27-41), as in claim 24, and where the second magnetically attractive portion is selected from a group consisting of a steel pin, a metallic pin, a metallic insert, a magnetic insert, and any combination thereof (column 5, lines 27-41), as in claim 25, and where the stopping arrangement has at least one resilient unlocked position flange (36) biased into an unlocked state, wherein the container has a corresponding unlocked position tab (39), and wherein the unlocked position flange is configured to selectively engage the corresponding unlocked position tab to prevent the locking member from sliding into the locked position once in the unlocked position (figures 8-9), as in claim 26, as well as the external key arrangement interacts with the at least one corresponding engagement structure and the at least one stopping arrangement of the locking member to selectively move the locking member into the locked and unlocked positions (column 5, lines 27-41), as in claim 29, wherein the external key arrangement simultaneously interacts with the at least one corresponding engagement structure and the at least one stopping arrangement (column 5, lines 27-41), as in claim 30.

Holmgren additionally discloses the locking member engages the locking mate arrangement when the locking member is in the locked position, and wherein the locking member is configured to be acted upon by an external magnetic key arrangement (column 5, lines 27-41) to selectively position the locking member into one of the locked position and the unlocked position with respect to the locking mate arrangement, as in claim 31, as well as the locking member not being viewable from the outside of the container when the first and second covers are in the closed position (figures 10-11), as in claim 32, and where the container is sized as a standard library case (column 1, lines 11-13), as in claim 33, where the container is constructed of polypropylene (column 2, lines 34-36), as in claim 34, wherein at least one of the first and second covers has a transparent portion (column 2, lines 34-36) configured to permit a user to view the asset in the container, as in claim 35, and where at least one of the first and second covers has a transparent jacket (column 2, lines 34-36) to display information materials related to the asset to a user, as in claim 36, wherein at least one of the first and second covers has a securing mechanism (the shape of element 10 retains the asset) configured to retain the asset within the container, as in claim 37, and the container having at least one status window (20), wherein the locking member has an indicator (a user can visual indicate if the locking member is in the locked or unlocked position via element 14), and wherein the indicator is configured to communicate to a user via the status window the unlocked or locked status of the container in accordance with a position of the locking member, as in claim 38.

Holmgren also discloses a method for securing an asset within a container, comprising providing a lockable container (figure 1) having a first cover (11), a second cover (10) coupled to

the first cover, a locking mate arrangement (portion of element 10 that contains apertures 33) operatively coupled to at least one of the first and second covers, and a locking member (13 and 15), wherein the first and second covers are in a closed position which encloses the asset , and wherein the locking member is in an unlocked position (figures 8-9) in which the first and second covers can move to an open position and in which the entirety of the locking member is internal to the container such that the locking member is operable to restrict tampering from an exterior of the lockable container (the locking member is internal to the lid of lockable container, where the housing formed by elements 11 and 14 defend against tampering of the locking member from the exterior of the locking container) and the locking member is permanently connected to the lockable container (figures 8-11), and moving the locking member from the unlocked position to a locked position (figures 10-11) to lock the first and second covers in the closed position, as in claim 39, wherein the moving the locking member from the unlocked position to the locked position comprises engaging the locking mate arrangement with the locking member (figures 10-11), as in claim 40, as well as the moving the locking member comprises acting upon the locking member with an external key arrangement (column 5, lines 27-41) to move the locking member into the locked position with respect to the locking mate arrangement (column 5, lines 27-41), and engaging the locking mate arrangement with the locking member (figures 10-11), as in claim 41.

Holmgren further discloses the locking mate arrangement is formed as part of the first and second covers (figure 2), and wherein the locking member is detachably coupled to the second cover (figure 17), as in claim 42, wherein the locking mate arrangement has at least one tab (33) formed in the first cover and at least one corresponding tab (16) formed in the second

cover, as in claim 43, as well as the at least one tab formed in the first cover and the at least one corresponding tab formed in the second cover are in an adjacent relationship when the first and second covers are in the closed position (figures 10-11), as in claim 44, and where at least a portion of the locking member has an I-beam construction (figure 7) with a recess formed therein, as in claim 45, as well as the at least one tab formed in the first cover and the at least one corresponding tab formed in the second cover are located in the recess and prevented from separating when the locking member is in the locked position (figures 10-11), as in claim 46.

Holmgren additionally discloses the first cover having at least one pair of top closing walls (figure 2) and the second cover has at least one pair of bottom closing walls (figure 2), and wherein the top and bottom pairs of closing walls are disposed so that each of the respective top and bottom closing walls sits behind the other of the respective top and bottom closing walls when the first cover is closed upon the second cover (figures 8 and 10), thereby forming a double wall so that each of the respective top and bottom closing walls substantially overlaps a major portion of the height of the other of the respective top and bottom closing walls, as in claim 47, wherein each of the at least one pair of top closing walls and each of the at least one pair of bottom closing walls extends the entire width of the respective first and second covers (figure 2), as in claim 48, and each of the at least one pair of top closing walls and each of the at least one pair of bottom closing walls extends substantially the entire width of the respective first and second covers (figure 2), as in claim 49.

Holmgren also discloses the first cover having at least one pair of top closing walls (figure 2), wherein the second cover has top and bottom edges (figures 1-3) that meet a backside of the second cover, and wherein the at least one pair of top closing walls meets the second cover

at the top and bottom edges to form respective seam portions (figure 2), as in claim 50, as well as the first cover having at least one pair of top closing walls (figure 2), wherein the second cover having top and bottom edges (figures 1-3) that substantially meet a backside of the second cover, and wherein the at least one pair of top closing walls meeting the second cover at the top and bottom edges to form respective seam portions (figure 2), as in claim 51.

Holmgren also discloses the locking mate arrangement is formed as part of the first cover (figure 2) and the locking member is detachably coupled to the second cover (figures 8), and wherein the moving the locking member comprises acting upon the locking member with an external key arrangement (column 5, lines 27-41) to move the locking member into the locked position with respect to the locking mate arrangement, and engaging the locking mate arrangement with the locking member (figures 10-11), as in claim 52, wherein the locking member has at least one tab (33), and wherein the locking mate arrangement has at least one corresponding loop (16), as in claim 53, as well as moving the locking member from the unlocked position to the locked position further comprises engaging the at least one loop of the locking member with the corresponding at least one tab of the locking mate arrangement (figures 10-11), as in claim 54.

Holmgren further discloses the locking member has at least one engagement structure (portion of element 10 that contains apertures 33) and the locking mate arrangement has at least one corresponding engagement structure (portion of element 10 that contains apertures 33), and wherein the moving the locking member from the unlocked position to the locked position further comprises engaging the corresponding engagement structure of the locking mate arrangement with the engagement structure of the locking member (figures 8-11), as in claim 55, wherein the locking member has a stopping arrangement (41) which selectively blocks the locking member from

moving into the locked and unlocked positions, as in claim 56, as well as the at least one engagement structure of the locking member has at least one first magnetically attractive portion (36) configured to magnetically interact with a corresponding first magnet arrangement (column 5, lines 27-41) of the external key arrangement, as in claim 57, and where the stopping arrangement has at least one resilient locked position flange (36) biased into a locked state, wherein the container has a corresponding locked position tab (39), the method further comprising engaging the locked position tab with the corresponding locked position flange to prevent the locking member from sliding into the unlocked position once in the locked position (figure 19), as in claim 58, as well as the resilient locked position flange has at least one second magnetically attractive portion (37) configured to magnetically interact with a corresponding second magnet arrangement (column 5, lines 27-41) of the external key arrangement (column 5, lines 27-41), the method further comprising causing the resilient locked position flange to bend toward the external key arrangement due to the magnetic interaction between the second magnetically attractive portion and the second magnet arrangement of the external key arrangement (column 5, lines 27-41), as in claim 59.

Holmgren additionally discloses moving the locking member comprises engaging the at least one corresponding engagement structure and the at least one stopping arrangement with the external key arrangement to move the locking member into the locked position (column 5, lines 27-41), as in claim 60, wherein the moving the locking member further comprises simultaneously engaging the at least one corresponding engagement structure and the at least one stopping arrangement with the external key arrangement (column 5, lines 27-41), as in claim 61.

Holmgren also discloses moving the locking member comprises acting upon the locking member with an external magnetic key arrangement (column 5, lines 27-41) to position the locking member into the locked position with respect to the locking mate arrangement (figure 21), and engaging the locking mate arrangement with the locking member when the locking member is in the locked position (figures 10-11), as in claim 62, and where the locking member is not viewable from the outside of the container when the first and second covers are in the closed position (figure 2), as in claim 63, wherein at least one of the first and second covers has a securing mechanism (the shape of element 10 retains the asset) configured to retain the asset within the container, as in claim 64, as well as the container having at least one status window (20), wherein the locking member has an indicator (a user can visual indicate if the locking member is in the locked or unlocked position via element 14), the method further communicating to a user with the indicator via the status window the unlocked or locked status of the container in accordance with the position of the locking member (a user can visual indicate if the locking member is in the locked or unlocked position), as in claim 65.

Holmgren further discloses a method for accessing an asset from within a container, comprising providing a lockable container (figure 1) having a first cover (11), a second cover (10) coupled to the first cover, a locking mate arrangement (portion of element 10 that contains apertures 33) operatively coupled to at least one of the first and second covers, and a locking member (13 and 15), wherein the first and second covers are in a closed position which encloses the asset, and wherein the locking member is in a locked position (figures 10-11) which locks the first and second covers in the closed position , and moving the locking member from the locked

position to an unlocked position (figures 8-9) in which the first and second covers can move to an open position (removing the locking member from the container allows the first and second covers to be separated), wherein the entirety of the locking member is internal to the container in the unlocked position such that the locking member is operable to restrict tampering from an exterior of the lockable container (the locking member is internal to the lid of lockable container, where the housing formed by elements 11 and 14 defend against tampering of the locking member from the exterior of the locking container) and the locking member is permanently connected to the lockable container (figures 8-11), as in claim 66.

Holmgren additionally discloses the locking member engages the locking mate arrangement when the locking member is in the locked position (figures 10-11), as in claim 67, and the locking member engaging the locking mate arrangement when the locking member is in the locked position (figures 10-11), and wherein the moving the locking member comprises acting upon the locking member with an external key arrangement (column 5, lines 27-41) to position the locking member into the unlocked position with respect to the locking mate arrangement (column 5, lines 27-41), as in claim 68.

Holmgren also discloses the locking mate arrangement is formed as part of the first and second covers (figure 2), and wherein the locking member is detachably coupled to the second cover (figures 8 and 10), as in claim 69, wherein the locking mate arrangement has at least one tab (33) formed in the first cover and at least one corresponding tab (16) formed in the second cover, as in claim 70, and where the at least one tab formed in the first cover and the at least one corresponding tab formed in the second cover are in an adjacent relationship when the first and second covers are in the closed position (figures 10-11), as in claim 71, as well as at least a

portion of the locking member having an I-beam construction (figure 7) with a recess formed therein, as in claim 72, wherein the at least one tab formed in the first cover and the at least one corresponding tab formed in the second cover are located in the recess and prevented from separating when the locking member is in the locked position (figures 10-11), as in claim 73.

Holmgren further discloses the first cover has at least one pair of top closing walls (figure 2) and the second cover has at least one pair of bottom closing walls (figure 2), and wherein the top and bottom pairs of closing walls are disposed so that each of the respective top and bottom closing walls sits behind the other of the respective top and bottom closing walls when the first cover is closed upon the second cover (figures 8 and 10), thereby forming a double wall so that each of the respective top and bottom closing walls substantially overlaps a major portion of the height of the other of the respective top and bottom closing walls, as in claim 74, wherein each of the at least one pair of top closing walls and each of the at least one pair of bottom closing walls extends the entire width of the respective first and second covers (figure 2), as in claim 75, as well as each of the at least one pair of top closing walls and each of the at least one pair of bottom closing walls extends substantially the entire width of the respective first and second covers (figure 2), as in claim 76.

Holmgren additionally discloses the first cover has at least one pair of top closing walls (figure 2), wherein the second cover has top and bottom edges (figures 1-3) that meet a backside of the second cover, and wherein at least one pair of top closing walls meets the second cover at the top and bottom edges to form respective seam portions (figure 8 and 10), as in claim 77, as well as the first cover has at least one pair of top closing walls (figure 2), wherein the second cover has top and bottom edges (figures 1-3) that substantially meet a backside of the second

cover, wherein at least one pair of top closing walls meets the second cover at the top and bottom edges to form respective seam portions (figure 8 and 10), as in claim 78.

Holmgren also discloses the locking mate arrangement is formed as part of the first cover and the locking member is detachably coupled to the second cover (figures 8 and 10), wherein the locking member engages the locking mate arrangement when the locking member is in the locked position (figures 18-19), and wherein the moving the locking member comprises acting upon the locking member with an external key arrangement (column 5, lines 27-41) to position the locking member into the unlocked position with respect to the locking mate arrangement (column 5, lines 27-41), as in claim 79, wherein the locking member has at least one tab (33), and wherein the locking mate arrangement has at least one corresponding loop (16), as in claim 80, as well as the at least one tab is configured to engage the at least one corresponding loop when the locking member is in the locked position (figures 8 and 10), as in claim 81.

Holmgren further discloses the locking member having at least one engagement structure (portion of element 10 that contains apertures 33) and the locking mate arrangement has at least one corresponding engagement structure (portion of element 10 that contains apertures 33), and wherein the engagement structure of the locking member is configured to engage the corresponding engagement structure of the locking mate arrangement, as in claim 82, and where the locking member has a stopping arrangement (41) which selectively blocks the locking member from moving into the locked and unlocked positions, as in claim 83, and the at least one engagement structure of the locking member has at least one first magnetically attractive portion (36) configured to magnetically interact with a corresponding first magnet arrangement (column 5, lines 27-41) of the external key arrangement, as in claim 84, and where the stopping

arrangement has at least one resilient locked position flange (36) biased into a locked state, wherein the container has a corresponding locked position tab (39), and wherein the locked position flange is configured to selectively engage the corresponding locked position tab to prevent the locking member from sliding into the unlocked position when in the locked position (figure 19, as in claim 85.

Holmgren additionally discloses the resilient locked position flange has at least one second magnetically attractable portion (37) configured to magnetically interact with a corresponding second magnet arrangement (column 5, lines 27-41) of the external key arrangement, the magnetic interaction between the second magnetically attractable portion and the second magnet arrangement of the external key arrangement causing the resilient locked position flange to bend toward the external key arrangement (column 5, lines 27-41), as in claim 86, as well as the stopping arrangement has at least one resilient unlocked position flange (36) biased into an unlocked state, wherein the container has a corresponding unlocked position tab (39), the method further engaging the corresponding unlocked position tab with the unlocked position flange to prevent the locking member from sliding into the locked position once in the unlocked position (figure 19), as in claim 87.

Holmgren also discloses moving the locking member further comprises engaging the at least one corresponding engagement structure and the at least one stopping arrangement of the locking member with the external key arrangement to move the locking member into the unlocked position (column 5, lines 27-41), as in claim 90, wherein the moving the locking member further comprises simultaneously engaging the at least one corresponding engagement

structure and the at least one stopping arrangement of the locking member with the external key arrangement (column 5, lines 27-41), as in claim 91.

Holmgren further discloses the locking member engages the locking mate arrangement when the locking member is in the locked position (figures 10-11), and wherein the moving the locking member comprises acting upon locking member with an external magnetic key arrangement (column 5, lines 27-41) to position the locking member into the unlocked position with respect to the locking mate arrangement (column 5, lines 27-41), as in claim 92, as well as the locking member not being viewable from the outside of the container when the first and second covers are in the closed position (figures 10-11), as in claim 93, wherein at least one of the first and second covers has a securing mechanism (the shape of element 10 retains the asset) configured to retain the asset within the container, as in claim 94, and the container having at least one status window (20), wherein the locking member has an indicator (a user can visually indicate if the locking member is in the locked or unlocked position via element 14), the method further communicating to a user with the indicator via the status window the unlocked or locked status of the container in accordance with the position of the locking member (figure 17), as in claim 95.

Holmgren additionally discloses a lockable container (figure 1) for securing an asset, comprising a base portion (11) having a locked position (figures 10-11) receptacle (41), a cover (10) pivotally coupled (12) to the base portion to enclose the asset in the container, a locking mate arrangement (portion of element 10 that contains apertures 33) coupled to at least one of the cover and the base portion, the locking mate-arrangement having at least one tab (33) portion, and a

locking member (13 and 15) slidably coupled to at least one of the cover and the base portion (figures 8-11), the locking member being arranged entirely within the container such that the locking member is operable to restrict tampering from an exterior of the lockable container (the locking member is internal to the lid of lockable container, where the housing formed by elements 11 and 14 defend against tampering of the locking member from the exterior of the locking container) and configured to detachably couple to the locking mate arrangement to secure the cover to the base portion (figures 8 and 10), thereby retaining the asset within the container, where the locking member is permanently connected to the lockable container (figures 8-11), the locking member further comprising at least one engagement structure (16) configured to engage the at least one tab portion, at least one first magnetically attractable portion (36) configured to magnetically interact with a corresponding first magnet arrangement (column 5, lines 27-41) of an external key arrangement (column 5, lines 27-41), at least one resilient locked position flange (36) biased into a locking state, the locked position flange being configured to selectively engage the locked position receptacle to prevent the locking member from sliding into an unlocked position (figures 8-9) once in a locked position (figures 10-11), and wherein the locking member is configured to be acted upon by the external key arrangement to selectively position the locking member into one of the locked position and the unlocked position with respect to the locking mate arrangement (column 5, lines 27-41), as in claim 96.

Holmgren also discloses a system for securing and gaining access to an asset, comprising a lockable container (figure 1) for securing an asset having a first cover (11), a second cover (10) pivotally coupled (12) to the first cover to enclose the asset within the container, a locking mate

arrangement (portion of element 10 that contains apertures 33) coupled to at least one of the first and second covers, and a locking member (13 and 15) slidably coupled to at least one of the first and second covers, wherein the locking member is configured to detachably couple to the locking mate arrangement to secure the first cover to second cover (figures 10-11), thereby retaining the asset item within the container, and a key arrangement (column 5, lines 27-41) for at least one of locking and unlocking the container, the key arrangement having a receptacle arrangement (column 5, lines 27-41) configured to receive the container, wherein the receptacle arrangement has at least one magnet arrangement (column 5, lines 27-41) configured to at least one of lock and unlock the container, wherein the locking member is configured to be acted upon by the external key arrangement to selectively position the locking member into one of a locked position (figures 10-11) and an unlocked position (figures 8-9) with respect to the locking mate arrangement (column 5, lines 27-41), and wherein the entirety of the locking member is internal to the container in the unlocked position such that the locking member is operable to restrict tampering from an exterior of the lockable container (the locking member is internal to the lid of lockable container, where the housing formed by elements 11 and 14 defend against tampering of the locking member from the exterior of the locking container) and the locking member is permanently connected to the lockable container (figures 8-11), as in claim 107.

Holmgren further discloses a method for securing an asset within a container (figure 1), comprising providing a lockable container (figure 1) having a first cover (11), a second cover (10) pivotally coupled (12) to the first cover to enclose the asset within the container, a locking mate arrangement (portion of element 10 that contains apertures 33) coupled to at least one of the

first and second covers, and a locking member (13 and 15) slidably coupled to at least one of the first and second covers, wherein the locking member is in an unlocked position (figures 8-9), and wherein the entirety of the locking member is internal to the container when the locking member is in the unlocked position such that the locking member is operable to restrict tampering from an exterior of the lockable container (the locking member is internal to the lid of lockable container, where the housing formed by elements 11 and 14 defend against tampering of the locking member from the exterior of the locking container) and the locking member is permanently connected to the lockable container (figures 8-11), providing a key arrangement (column 5, lines 27-41) for unlocking the container, the key arrangement having a receptacle arrangement (column 5, lines 27-41), wherein the receptacle arrangement has at least one magnet arrangement (column 5, lines 27-41), positioning the container within the receptacle arrangement (column 5, lines 27-41), acting upon the container with the at least one magnet arrangement to move the locking member from the unlocked position into a locked position (figures 10-11) with respect to the locking mate arrangement, such that the locking member engages the locking mate arrangement to secure the first cover to the second cover (column 5, lines 27-41), as in claim 108.

Holmgren additionally discloses a method for providing access to an asset from within a container (figure 1), comprising providing a lockable container (figure 1) having a first cover (11), a second cover (10) pivotally coupled (12) to the first cover to enclose the asset within the container, a locking mate arrangement (portion of element 10 that contains apertures 33) coupled to at least one of the first and second covers, and a locking member (13 and 15) slidably coupled to at least one of the first and second covers, wherein the entirety of the locking member is

internal to the container in an unlocked position (figures 8-9) such that the locking member is operable to restrict tampering from an exterior of the lockable container (the locking member is internal to the lid of lockable container, where the housing formed by elements 11 and 14 defend against tampering of the locking member from the exterior of the locking container) and the locking member is permanently connected to the lockable container (figures 8-11), and wherein the locking member engages the locking mate arrangement to secure the first cover to the second cover in a locked position (figures 10-11), providing a key arrangement (column 5, lines 27-41) for unlocking the container, the key arrangement having a receptacle arrangement (column 5, lines 27-41), wherein the receptacle arrangement has at least one magnet arrangement (column 5, lines 27-41), positioning the container within the receptacle arrangement (column 5, lines 27-41), acting upon the container with the at least one magnet arrangement to move the locking member from the locked position into the unlocked position with respect to the locking mate arrangement (column 5, lines 27-41), as in claim 109.

Holmgren also discloses a lockable container (figure 1) for securing an asset, comprising a first cover (11), a second cover (10) coupled to the first cover, the first and second covers configured to move between an open position which allows access to the asset and a closed position which encloses the asset, at least one tab (33) portion coupled to the first cover, at least one corresponding tab (16) portion coupled to the second cover, and a locking member (13 and 15) operatively coupled to at least one of the first and second covers, wherein the locking member has a trap portion (figures 10-11) and a release portion (figures 8-9), wherein the locking member is configured to move between an unlocked position (figures 8-9) in which the

first and second covers can move to the open position and a locked position (figures 10-11) which locks the container in the closed position, and wherein the entirety of the locking member is internal to the container in the unlocked position such that the locking member is operable to restrict tampering from an exterior of the lockable container (the locking member is internal to the lid of lockable container, where the housing formed by elements 11 and 14 defend against tampering of the locking member from the exterior of the locking container) and the locking member is permanently connected to the lockable container (figures 8-11), as in claim 110.

Holmgren further discloses the locking member being configured such that, in the locked position, the at least one tab portion and the at least one corresponding tab portion are located in the trap portion and prevented from separating (figures 10-11), as in claim 111, wherein the at least one tab portion and the at least one corresponding tab portion face each other in an adjacent relationship when located in the trap portion (figures 10-11), as in claim 112, as well as the locking member being configured such that, in the unlocked position, the at least one tab portion and the at least one corresponding tab portion are located in the release portion and are allowed to separate (figures 8-9), as in claim 113.

Holmgren additionally discloses the top cover having at least two tab portions, wherein the bottom cover has at least two corresponding tab portions (figure 2), and wherein the locking member has at least one pair of trap portions located on opposite sides of the locking member (figure 10-11), as in claim 114, wherein the container is configured such that, in the locked position, one of the at least two tab portions and one of the at least two corresponding tab portions are located in one of the at least one pair of trap portions in an adjacent relationship (figure 10-11), and the other of the at least two tab portions and the other of the at least two

corresponding tab portions are located in the other of the at least one pair of trap portions in an adjacent relationship (figure 10-11), wherein the at least two tab portions are prevented from separating from the at least two corresponding tab portions , as in claim 115, and further comprising an electronic security tag (column 2, lines 46-57), wherein the electronic security tag is situated within the container and is inaccessible when the locking member is in the locked position, as in claim 116.

Holmgren also discloses the first cover having at least one pair of top closing walls (figure 2) and the second cover includes at least one pair of bottom closing walls (figure 2), and wherein the top and bottom pairs of closing walls are disposed so that when the first cover is closed upon the second cover (figures 8 and 10), each of the respective top and bottom closing walls sits behind the other of the respective top and bottom closing walls, thereby forming a double wall, and each of the respective top and bottom closing walls substantially overlaps a major portion of the height of the other of the respective top and bottom closing walls (figures 8 and 10), as in claim 117, wherein each of the at least one pair of top closing walls and each of the at least one pair of bottom closing walls extends the entire width of the respective first and second covers (figure 2), as in claim 118, as well as each of the at least one pair of top closing walls and each of the at least one pair of the bottom closing walls extends for substantially the entire width of the respective first and second covers (figure 2), as in claim 119.

Holmgren further discloses the first cover having at least one pair of top closing walls (figure 2), wherein the second cover has top and bottom edges (figures 1-3) that meet a backside of the second cover, and wherein the at least one pair of top closing walls meets the second cover at the top and bottom edges to form respective seam portions (figure 8 and 10), as in claim 120,

as well as the first cover has at least one pair of top closing walls (figure 2), wherein the second cover has top and bottom edges (figures 1-3) that substantially meet a backside of the second cover, and wherein the at least one pair of top closing walls meets the second cover at the top and bottom edges to form respective seam portions (figure 8 and 10), as in claim 121.

Holmgren additionally discloses a lockable container (figure 1) for securing an asset therein, comprising a receptacle, wherein the receptacle has an open configuration (figure 2) which allows access to the asset and a closed configuration which encloses the asset, a locking mate arrangement (portion of element 10 that contains apertures 33) operatively coupled to the receptacle, and a locking member (13 and 15), wherein the locking member is configured to move between an unlocked position (figures 8-9) in which the receptacle is in the open configuration and a locked position (figures 10-11) which locks the receptacle in the closed configuration, and wherein the entirety of the locking member is internal to the container in the unlocked position such that the locking member is operable to restrict tampering from an exterior of the lockable container (the locking member is internal to the lid of lockable container, where the housing formed by elements 11 and 14 defend against tampering of the locking member from the exterior of the locking container) and the locking member is permanently connected to the lockable container (figures 8-11), as in claim 122.

Holmgren also discloses a key arrangement (column 5, lines 27-41) for at least one of locking and unlocking a container (figure 1), the container having a receptacle, wherein the receptacle has an open configuration (figure 2) which allows access to an asset and a closed

configuration which encloses the asset, and the container having a locking member (13 and 15) that is configured to move between an unlocked position (figures 8-9) in which the receptacle is in the open configuration such that the locking member is operable to restrict tampering from an exterior of the lockable container (the locking member is internal to the lid of lockable container, where the housing formed by elements 11 and 14 defend against tampering of the locking member from the exterior of the locking container) and the locking member is permanently connected to the lockable container (figures 8-11) and a locked position (figures 10-11) which locks the receptacle in the closed configuration, wherein the locking member has at least one magnetically attractive portion (36), the key arrangement having a channel portion (column 5, lines 27-41), wherein the channel portion is configured to receive the container (column 5, lines 27-41), and at least one magnetic arrangement (column 5, lines 27-41), wherein the at least one magnetic arrangement is configured to hold the at least one magnetically attractive portion of the locking member within a magnetic field created by the at least one magnetic arrangement while the container slides through the channel, thereby positioning the locking member in at least one of the locked and unlocked positions (column 5, lines 27-41), as in claim 123, wherein the locking member has first and second magnetically attractive portions, the key arrangement further comprising first and second magnetic arrangements (column 5, lines 27-41), wherein the first magnetic arrangement is configured to hold the first magnetically attractive portion of the locking member within a magnetic field created by the first magnetic arrangement (column 5, lines 27-41), and wherein the second magnetic arrangement is configured to hold the second magnetically attractive portion of the locking member within a magnetic field created by the second magnetic arrangement (column 5, lines 27-41), as in claim 124.

Holmgren further discloses the channel portion comprises a first wall portion and a second wall portion forming the channel therebetween (column 5, lines 27-41), wherein the first magnetic arrangement is situated within the first wall portion, and wherein the second magnetic arrangement is situated within the second wall portion (column 5, lines 27-41), as in claim 125, as well as the channel portion comprising a first wall portion and a second wall portion forming the channel therebetween (column 5, lines 27-41), wherein the channel has a first end and a second end, wherein the first magnetic arrangement is situated within the first wall portion at the first end of the channel (column 5, lines 27-41), and wherein the second magnetic arrangement is situated within the second wall portion at the second end of the channel (column 5, lines 27-41), as in claim 126.

Holmgren additionally discloses a method for at least one of locking and unlocking a container (figure 1), the container having a receptacle, wherein the receptacle has an open configuration which allows access to an asset and a closed configuration which encloses the asset, and the container having a locking member (13 and 15) that is configured to move between an unlocked position (figures 8-9) in which the receptacle is in the open configuration, wherein the entirety of the locking member is internal to the container in the unlocked position such that the locking member is operable to restrict tampering from an exterior of the lockable container (the locking member is internal to the lid of lockable container, where the housing formed by elements 11 and 14 defend against tampering of the locking member from the exterior of the locking container) and the locking member is permanently connected to the lockable container (figures 8-11) and a locked position (figures 10-11) which locks the receptacle in the closed

configuration, wherein the locking member has at least one magnetically attractive portion (36), the method provides a key arrangement (column 5, lines 27-41) having a channel portion (column 5, lines 27-41) and at least one magnetic arrangement (column 5, lines 27-41), positioning the container within the channel portion (column 5, lines 27-41), holding the at least one magnetically attractive portion of the locking member within a magnetic field created by the at least one magnetic arrangement (column 5, lines 27-41), and while holding the at least one magnetically attractive portion of the locking member within the magnetic field created by the at least one magnetic arrangement, sliding the container through the channel such that the locking member attains at least one of the locked and unlocked positions (column 5, lines 27-41), as in claim 127, wherein the locking member has first and second magnetically attractive portions (36 and 45), wherein the key arrangement has first and second magnetic arrangements (column 5, lines 27-41), and wherein the holding the at least one magnetically attractive portion of the locking member within a magnetic field created by the at least one magnetic arrangement further holds the first magnetically attractive portion of the locking member within a magnetic field created by the first magnetic arrangement (column 5, lines 27-41), and holding the second magnetically attractive portion of the locking member within a magnetic field created by the second magnetic arrangement (column 5, lines 27-41), as in claim 128.

Holmgren also discloses the channel portion comprises a first wall portion and a second wall portion forming the channel therebetween (column 5, lines 27-41), wherein the first magnetic arrangement is situated within the first wall portion, and wherein the second magnetic arrangement is situated within the second wall portion (column 5, lines 27-41), as in claim 129, as well as the channel portion comprises a first wall portion and a second wall portion forming

the channel therebetween (column 5, lines 27-41), wherein the channel has a first end and a second end, wherein the first magnetic arrangement is situated within the first wall portion at the first end of the channel, and wherein the second magnetic arrangement is situated within the second wall portion at the second end of the channel (column 5, lines 27-41), as in claim 130.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27-28 and 88-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holmgren, as applied above.

Holmgren discloses the claimed invention except for the resilient unlocked position flange of the stopping arrangement having a third magnetically attractable portion, as in claims 27-28 and 88-89. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a third magnetically attractable portion to interact with a corresponding magnet arrangement of the external key arrangement, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

St. Regis Paper Co. V. Bemis Co., 193 USPQ 8.

Response to Arguments

Applicant's arguments filed November 25, 2008 have been fully considered but they are not persuasive. In regards to the argument that Holmgren does not disclose that the locking member is operable to restrict tampering from an exterior of the locking container, the examiner respectfully disagrees. As the locking member of Holmgren is internal to the lid of lockable container, where the housing formed by elements 11 and 14 shields the locking member from the exterior of the locking container, and thus the housing impedes with tampering of the locking member when the lockable container is assembled.

Additionally, the examiner points out that the applicant is incorrect in stating that element 16 is a finger grip, see lines 3-9 of page 29 of the response filed November 25, 2008. Holmgren discloses element 16 as lock bolts of the locking member, where element 16 is internal to the locking container, see figures 9 and 11.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER BOSWELL whose telephone number is (571)272-7054. The examiner can normally be reached on 9:00 - 4:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher Boswell
Examiner
Art Unit 3673

/Patricia L Engle/
Supervisory Patent Examiner,
Art Unit 3673

CJB /cb/
February 24, 2009